

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

February 2, 2026

IN RE:)
)
CONSUMER ADVOCATE COMPLAINT AND)
REQUEST TO OPEN A CONTESTED CASE AND) **DOCKET NO.**
INVESTIGATION INTO TENNESSEE-AMERICAN) **25-00086**
WATER COMPANY’S PFAS (PER-AND POLY-)
FLUOROALKYL SUBSTANCES) LITIGATION)
UNIVERSAL SURCREDIT TARIFF (“PLUS)
TARIFF”))

ORDER ON JOINT AGREED MOTION TO SUBMIT CASE TO COMMISSION FOR HEARING OF THE MERITS ON THE RECORD (“PAPER” HEARING)

This matter is before the Administrative Judge of the Tennessee Public Utility Commission (“Commission” or “TPUC”) on the *Joint Agreed Motion to Submit Case to Commission for Hearing on the Merits on the Record (“Paper” Hearing)* (“*Joint Motion for Paper Hearing*”) filed jointly by Tennessee-American Water Company (“TAWC” or the “Company”) and the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on January 28, 2026. In the *Joint Motion for Paper Hearing*, the Parties waive a live hearing, stating that the unique nature of the contested issues and the developed record are sufficient for the Commission to resolve the contested issues on the merits.¹ Further, the Parties assert that they will timely respond to any Commission data request for additional information not already in the record.² The Parties request that, for good cause shown, the Commission resolve the contested

¹ *Joint Motion for Paper Hearing*, p. 2 (January 28, 2026).

² *Id.*

issues without presentation of opening and closing statements, witness summaries, and cross-examination.³

The issues presented in this docket are unique inasmuch as contested tariff proceedings are infrequent. The Parties participated in discovery, with TAWC providing information in its responses and corrected responses and filing the Pre-Filed Direct Testimony of two Consumer Advocate witnesses and the Pre-Filed Rebuttal Testimony from one TAWC witness. Hence, the record is sufficiently developed in preparation for adjudication.

All parties to contested cases before the Commission are entitled to an opportunity for hearing, at which time the parties are “afforded an opportunity to present evidence and argument in accordance with the rules of the commission...”⁴ The Uniform Administrative Procedures Act (“UAPA”) similarly requires that the parties be afforded the opportunity to present evidence and argument, and to respond to, cross-examine, and rebut presented evidence.⁵ The UAPA also provides that while the hearing may be conducted by telephone, electronics, or audio-visual means, the parties must have a meaningful opportunity to participate and must be open to public observation.⁶ To effectuate these statutory requirements for contested cases, the Commission has a long-standing, developed policy that requires Parties to appear before the Commission, to present witnesses, who may summarize their pre-filed testimonies sufficient to give an adequate description of the contested issues, to provide Commissioners and Commission Staff an opportunity to present questions, and to hear and observe any public comments presented.

In the instant case, the Parties have waived their right to a hearing by means of live argument and testimony. Specifically, the Parties waived presentation of opening and closing

³ *Id.*

⁴ Tenn. Code Ann. § 65-2-108 (2022).

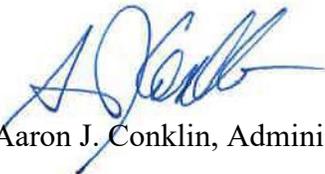
⁵ Tenn. Code Ann. § 4-5-312(b) (West 2026).

⁶ Tenn. Code Ann. § 4-5-312(c), (d) (West 2026).

statements, witness summaries, and cross-examination. The Administrative Judge finds that a waiver of all of these elements, resulting in a hearing on paper only, is not consistent with Commission policy. The Administrative Judge declines to create an exception to Commission policy or to otherwise deviate from established requirements. Therefore, the *Joint Motion for Paper Hearing* is denied. The Parties may waive opening and closing statements and cross-examination of witnesses, if preferred. However, the Parties are instructed to have their witnesses in attendance to present a summary of their respective testimonies at the Hearing of this matter. Witnesses may attend via audio-visual means upon approved motion in accordance with Commission Rules.

IT IS THEREFORE ORDERED THAT:

The *Joint Agreed Motion to Submit Case to Commission for Hearing on the Merits on the Record ("Paper" Hearing)* is denied.


Aaron J. Conklin, Administrative Judge